

### **REMARKS**

Applicant appreciates the Examiner's thorough examination of the subject application and request reexamination and reconsideration of the subject application in view of the preceding amendments and the following remarks. Applicant has carefully reviewed and considered the Office Action mailed on May 29, 2007, and the references cited therewith.

Claims 1-34 are pending in this application. As of this amendment, claims 1, 6, 11-16, 21, 23, and 29 have been amended. Claims 10, 19-20, 22, 26-28, and 32-34 have been canceled, as a result, claims 1-9, 11-18, 21, 23-25, and 29-31 are still pending in this application.

As an initial matter, the Examiner has objected to the drawings for failing to disclose each and every feature of the invention specified in claim 19. The Examiner has also objected to the form of claims 2-4 and 6. Claim 19 has been cancelled and claims 2-4, and 6 have been amended. No further correction is believed necessary.

#### **35 USC §102 Rejection of the Claims**

Claims 1, 2, 4-7, 21, 29-31 were rejected under 35 USC § 102(b) as being anticipated by IEEE 802.3 which was provided in IDS in the parent application 10/291,017. Applicants' respectfully traverse this rejection in light of the preceding amendments and following remarks.

Applicants' newly amended claim 1 is provided below for the Examiner's convenience.

1. (Currently Amended) A device comprising:
  - a data transceiver adapted to be coupled to one or more data lanes of a device-to-device interconnection (DDI);
  - a negotiation section comprising:
    - logic to transmit a Base Page Message indicating whether a Next Page message is to follow, said Next Page message specifying one or more available data transmission modes for transmitting the Ethernet frames in the DDI, said logic further configured to detect 8B/10B code groups on each data lane of the DDI in the absence of a Base Page Message, said logic capable of identifying at least one legacy device that does not support autonegotiation, said at least one legacy device including at least one of 10 gigabit attachment unit interface (XAUI) or at least one of gigabit Ethernet transmission over fiber (1000BASE-X) and serial gigabit media independent interface (SGMII); and
    - configuration logic to selectively configure the data transceiver to transmit and receive data on the DDI according to a data transmission mode based upon the detected 8B/10B code groups. (emphasis added).

Applicants have incorporated, *inter alia*, the subject matter of claim 10 into independent claim 1. Specifically, Applicants have amended claim 1 to include “logic to transmit a Base Page Message indicating whether a Next Page message is to follow, said Next Page message specifying one or more available data transmission modes for transmitting the Ethernet frames in the DDI, said logic further configured to detect 8B/10B code groups on each data lane of the DDI in the absence of a Base Page Message, said logic capable of identifying at least one legacy device that does not support autonegotiation, said at least one legacy device including at least one of 10 gigabit attachment unit interface (XAUI) or at least one of gigabit Ethernet transmission over fiber (1000BASE-X) and serial gigabit media independent interface (SGMII).” In light of the preceding amendments, Applicants respectfully submit that this rejection is now moot.

35 USC §103 Rejection of the Claims

Applicants respectfully submit that none of the references teach or suggest all of the limitations present in Applicants’ newly amended independent claim 1 as discussed above. Independent claims 21, 23 and 29 have been amended to include limitations similar to those described above with reference to claim 1. Thus, Applicants respectfully submit that claims 1, 21, 23 and 29 are in condition for allowance.

Since claims 2-9, 11-20, 24-25, and 30-31 depend, either directly or indirectly from Applicant’s newly amended independent claims 1, 21, 23 and 29, Applicants respectfully submit that these claims are in condition for allowance as well.

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant’s attorney (603-668-6560) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-2121.

Respectfully submitted,

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By their Representatives,

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